

## **REMARKS/ARGUMENTS**

### **A. INTRODUCTION**

In the Office action of September 26, 2006:

- Claims 7, 9-11, 16-18, 20, 22, 24-27, and 29-30 were rejected under 35 USC § 103(a) as being unpatentable over Maeda (US Patent No. 6,791,703) in view of Tilt (U.S. Patent 5,363,481);
- Claims 8 and 21 were rejected under 35 USC § 103(a) as being unpatentable over Maeda in view of Tilt, and further in view of McCoy et al. (US Patent No. 6,526,575);
- Claim 19 was rejected under 35 USC § 103(a) as being unpatentable over Maeda in view of Tilt, and further in view of Damouth (US Patent No. 5,333,255); and
- Claims 23 and 28 were rejected under 35 USC § 103(a) as being unpatentable over Maeda in view of Tilt, and further in view of Buxton et al. (US Patent No. 6,469,714).

### **B. REJECTIONS UNDER 35 USC § 103(a)**

“When applying 35 U.S.C. 103, the following tenets of patent law *must* be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

*Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).” (MPEP §2141 35 U.S.C. 103; the Graham Factual Inquiries, emphasis added).

As to Claims 7, 16, and 27, Applicant respectfully submits that these claims are patentable over the prior art reference cited.

The Office action states that “[i]t would have been obvious to an artisan at the time of the invention to include Tilt’s teaching with method of Maeda in order to provide user with an indication that timer has started” (Office Action, page 3). Applicant respectfully submits, however, that nowhere in Maeda or in Tilt does it suggest that these two references be combined and to do so is *impermissible* hindsight. Applicant further also submits that the timer in Maeda, as stated in the Office action as being inherent within the scheduler, is a different timer from Tilt. Furthermore, the scheduling timer of Maeda serves a different purpose than the timer of Tilt. Moreover, combining the teaching of Maeda and Tilt, as suggested by the Examiner as obvious to an artisan at that time, would result in a scheduling system that defeats the purpose of Maeda. Thus to infer that Maeda or Tilt suggests the combination of these two timers is improper.

With regard to Claim 7, the Office Action states that Maeda discloses the “timeout timer . . .” in column 9, lines 20-68 and that it is “inherent that there is a timer within the scheduler.” To clarify, the “enable schedule” of Maeda is used to “initiate a Web Pull Print operation at a specific time.” (Maeda, Fig. 10, col. 9 lines 20-22). Applicant respectfully assumes that the timer that the Examiner has stated to be inherent with the scheduler is this scheduling timing mechanism that schedules when the web pull print operation of Maeda is to be performed, which thus relates to specifying when, date and time, the web pull print operation is to be performed. The web pull print operation is thus associated with a scheduling timer. The “web pull print function” is disclosed as a “function whereby the digital copier 1 actively accesses the WWW sever 10 to obtain HTML data, and employs the data for printing using the printer” (Maeda, col. 6, lns. 45-48). The HTML data that are utilized by the web pull print function is indicated as a “URL” 502 (col. 7, lns. 12-17 and Fig. 6).

The Office action states that Maeda fails to teach the timeout timer is associated with when the proxy interface is displayed, but Tilt does; and to combine Tilt and Maeda in order to provide user with an indication that the timer has started is obvious to an artisan at the time of the invention (Office action, page. 3). The Office action refers to Figure 2, items 33 to 32, and col. 2, lines 34-55 as support. Applicant respectfully submits that Tilt relates to “an auto selecting

scrolling device to improve and simplify the process of scrolling through an on-screen *menu* and selecting a desired value” *from the menu* (Tilt, col. 1, lns. 6-10 and lns. 39-51, and col. 2 lns. 39-43). “When a knob used to scroll through a menu, is activated or turned the menu appears. A timer with a user *preset time limit* is started. While the knob is being turned different parameters are . . . highlighted. . . . If the knob is not being turned then the time limit expires. ***When the time limit expires the last highlighted parameter is selected*** and the menu closes.” (Tilt, cols. 1, lns. 39-51, emphasis added).

The timer of Tilt thus relates to selecting the last highlighted menu parameter when the timer expires, while the timer of Maeda relates to when a particular web pull print operation is to be performed. If the timer of Tilt is combined with Maeda, the scheduling timer of Maeda will thus be overridden by the timer associated with Tilt, and thus the scheduling of the web pull print is defeated. The timer of Tilt is also for menu selection and not operable to execute the print task using the settings upon expiration of the timer, as claimed in Claim 7.

Similar to the reasons discussed above, Claims 16 and 17 are patentable over Maeda and Tilt. Furthermore, Claim 16 includes the element of *starting a timer when the proxy interface is displayed*, and Claim 27 includes a *timer that is adapted to start when the proxy interface is displayed*. The timer of Tilt is with a preset time limit (Tilt, col. 2, ln. 44). If Maeda’s timer is combined with Tilt, once the proxy interface of Maeda is displayed, the preset time timer starts expiring or ticking. This means the Tilt timer overrides the scheduling timer of Maeda which serves the purpose of scheduling the web pull print operation to be performed on a scheduled date and time. Because combining Tilt and Maeda destroys the features of Maeda, Applicant respectfully submits that Tilt and Maeda should not be combined, and thus these references are improper.

As to Claims 8-11, Applicant respectfully submits that Claims 8-11, which depend on the base claim—Claim 7, incorporate similar features to that of the base claim with further clarification, and thus are also patently distinguishable for the reasons presented above.

As to Claims 17-26, Applicant respectfully submits that Claims 17-26, which depend on the base claim—Claim 16, incorporate similar features to that of the base claim with further clarification, and thus are also patently distinguishable for the reasons presented above.

As to Claims 28-30, Applicant respectfully submits that Claims 28-30, which depend on the base claim—Claim 27, incorporate similar features to that of the base claim with further clarification, and thus are also patently distinguishable for the reasons presented above.

Because Maeda and Tilt, individually or in combination, do not teach the limitations of Claims 7-11 and 16-30, these claims are patently distinguishable and thus should all be allowed. No new matter has been added.

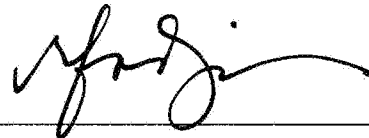
C. CONCLUSION

For all the forgoing reasons, Applicant submits that ALL claims be **allowed**. Furthermore, no new matter has been added by the amendments. Should there be any other fees due for this action, your office is authorized to draw from the firm deposit account number 023979. Should you have any questions, or identify any problem, I would appreciate a telephone call so that this matter may be resolved promptly.

Respectfully submitted,

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By: \_\_\_\_\_



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